

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

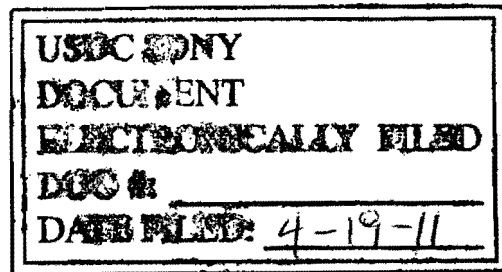
-----X
PETER LINDNER,

Plaintiff,

-v-

AMERICAN EXPRESS COMPANY, et al.,

Defendants.
-----X



10 Civ. 2228 (JSR) (JLC)

ORDER

JED S. RAKOFF, U.S.D.J.

On March 28, 2011 plaintiff Peter Lindner, proceeding pro se, convened a joint conference call to Chambers with defense counsel to make three requests. First, he asked to appeal a November 9, 2010 Order issued by the Honorable Judge James L. Cott, United States Magistrate Judge, denying without prejudice plaintiff's motion to compel defendants to produce discovery pending resolution of defendants' motion to dismiss. Second, he requested that the Court immediately convene a "pre-motion conference" to address his various grievances. Third, he requested that the Court entertain oral argument, "on the record," to address his allegation that attorneys for the defendants intended to deceive the Court in violation of the New York State Judiciary Laws.

After considering these applications, the Court informed plaintiff that none of his requests are properly before the Court at this time. The above-captioned action has been referred to Magistrate Judge Cott for general pretrial management (including resolution of discovery disputes) and initial consideration of

dispositive motions. See 03/30/2010 Order. On October 20, 2010, defendants filed a motion to dismiss plaintiff's complaint; that motion is now fully briefed and pending before Judge Cott. If Judge Cott recommends a ruling adverse to the plaintiff, plaintiff is free to file objections to the Report and Recommendation, and the Court will consider the entire record de novo at that point. As the Court informed the plaintiff on March 28, 2011, his requests are therefore premature and will not be considered until plaintiff files objections, if any, to Judge Cott's Report and Recommendation. Nor will the Court hear oral argument at this time. Per plaintiff's request, this written Order confirms the Court's oral ruling, and reiterates the Court's admonition that it will not accept further submissions from the plaintiff, either by phone or in writing.

Notwithstanding the Court's instructions, on April 12, 2011 plaintiff filed a "Motion to Overrule, Reconsider or for Court to Act Sua Sponte." Plaintiff's motion is denied, and the Clerk of the Court is directed to close item number 43 on the docket of this case. Plaintiff also made subsequent phone calls to the Court, requesting, among other things, that the Court reconsider its Order and immediately entertain oral argument. These requests are denied, and no further phone applications from plaintiff will be entertained.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
April 15, 2011